

United States Attorney  
Southern District of New York

**MEMO ENDORSED**

United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601

January 12, 2021

**BY ECF**

The Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

**Re:        *United States v. James Spina*, 18 Cr. 625 (KMK)**

Dear Judge Karas:

The Government respectfully writes to advise the Court that the parties have reached an agreement to resolve the issues of restitution and forfeiture in this matter, and accordingly believe that a *Fatico* hearing is no longer necessary. The Government will submit a proposed restitution order and consent preliminary order of forfeiture for the Court's consideration shortly.

The parties also respectfully write to request an adjournment of the hearing currently set for January 19, 2021 at 10:00 a.m. to allow for the defendant to be sentenced in person at a date convenient to the Court and consistent with all applicable public health guidance. The parties agree that sentencing in this matter should take place in person (to the extent practicable under the District re-opening plan) and the defendant does not consent to sentencing over videoconference at this time.

As the Court is aware, on January 5, 2021, Chief Judge McMahon extended limitations on in-person proceedings through February 12, 2021. First Amended Standing Order, 20 Misc. 622 (CM). The Court previously explained that the January 19, 2021 hearing would "proceed as scheduled only if consistent with any coronavirus protocols that may then be in place." (ECF No. 82.) In light of the extended restrictions on in-person proceedings, and consistent with the District's re-opening plan, the parties respectfully request that the Court adjourn sentencing in this matter until a date in late February or early March 2021.

The Honorable Kenneth M. Karas

January 12, 2021

Page 2 of 2

The Government believes that the Court should set aside two hours for the sentencing proceeding.

Respectfully submitted,

AUDREY STRAUSS

Acting United States Attorney

By: 

Nicholas S. Bradley

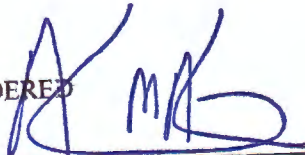
Assistant United States Attorney

(914) 993-1962

cc: Michael Burke, Esq. (by ECF)  
Steven J. Harfenist, Esq. (by ECF)

*Granted. The sentence will go  
forward on March 2, 2021 at  
10:00 AM*

SQ ORDERED



KENNETH M. KARAS U.S.D.J.

*1/14/2021*